

STAFF REPORT

April 8, 2010

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**No. 10SV005 - Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way, construct pavement, curb, gutter, sidewalk, street light conduit, water, sewer along the Section Line Highway, and to reduce the required pavement width from 48 feet to 22 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code**

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**ITEM 12**

GENERAL INFORMATION:

APPLICANT	Darryl Johnson
AGENT	Janelle Finck for Fisk Land Surveying & Consulting Engineers
PROPERTY OWNER	Darryl Johnson
REQUEST	<b>No. 10SV005 - Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way, construct pavement, curb, gutter, sidewalk, street light conduit, water, sewer along the Section Line Highway, and to reduce the required pavement width from 48 feet to 22 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code</b>
EXISTING LEGAL DESCRIPTION	Lot 14 of Feay Reder Subdivision, located in the N1/2 NW1/4 of Section 36, T1N, R6E, BHM, Pennington County, South Dakota
PROPOSED LEGAL DESCRIPTION	Lots 14A and 14B of Lot 14 of Feay Reder Subdivision, located in the N1/2 NW1/4 of Section 36, T1N, R6E, BHM, Pennington County, South Dakota
PARCEL ACREAGE	Approximately 2.85 acres
LOCATION	9850 Sheridan Lake Road
EXISTING ZONING	Suburban Residential District (Pennington County)
SURROUNDING ZONING	
North:	General Agriculture District (Pennington County)
South:	Suburban Residential District (Pennington County)
East:	Suburban Residential District (Pennington County)
West:	Suburban Residential District (Pennington County)

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PUBLIC UTILITIES	Cistern and septic tank and drainfield
DATE OF APPLICATION	3/12/2010
REVIEWED BY	Ali DeMersseman / Ted Johnson

**RECOMMENDATION:**

Staff recommends that the Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way, construct pavement, curb, gutter, sidewalk, street light conduit, water, sewer along the Section Line Highway, and to reduce the required pavement width from 48 feet to 22 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, sewer along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code be continued to the April 22, 2010 Planning Commission meeting.

**GENERAL COMMENTS:** The applicant submitted this Variance to the Subdivision Regulations to waive the requirement to dedicate right-of-way, construct pavement, curb, gutter, sidewalk, street light conduit, water, and sewer along the Section Line Highway, and to reduce the required pavement width from 48 feet to 22 feet, to waive the requirement to install curb, gutter, sidewalk, street light conduit, water, and sewer along Sheridan Lake Road as per Chapter 16.16 of the Rapid City Municipal Code.

The applicant has also submitted an associated Layout and Preliminary Plat request (No. 10PL014) to subdivide the property into two lots, 14A and 14B of Lot 14 of Feay Reder Subdivision.

The property is located approximately 1,000 feet east of the intersection of Victoria Lake Road and Sheridan Lake Road. Proposed Lot 14A is currently developed with a single-family residence and two sheds. Proposed Lot 14B is currently developed with a caretaker's residence, a detached garage, and one shed.

**STAFF REVIEW:** Staff has reviewed the Subdivision Variance request and has noted the following considerations:

**Sheridan Lake Road:** Sheridan Lake Road is located along the southern lot line of the property and is classified as a principal arterial street requiring that the street be located in a minimum 100 foot wide right-of-way and constructed with a 48 foot wide paved surface, curb, gutter, sidewalk, street light conduit, water and sewer. Currently, Sheridan Lake Road is located in a 66 foot wide right-of-way and constructed with a 22 foot wide paved surface and barrow ditches to accommodate drainage. The associated plat document identifies an additional 17 foot wide right-of-way dedication along Sheridan Lake Road where it abuts the property, meeting the minimum right-of-way width requirement for an arterial street.

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The City's Master Utility Plan identifies the property as being located outside the "Tier One" boundary. Currently, City services are approximately 2.5 miles east of the property. Therefore, it may be 15 or more years before City utilities are available to this property. In addition, no design plans for the extension of the utilities exist. Requiring improvements at this time may not coordinate with the actual design elevation for the sewer and water.

No sidewalks and/or street lights currently exist along this section of Sheridan Lake Road. In addition, the proposed lots abut the street a distance of approximately 46 feet and 154 feet, respectively. Requiring sidewalk along the property that abuts the street a total distance of 200 feet will result in a discontinuous design and would not provide a sidewalk connection along the street.

Requiring an increase in pavement width to 48 feet, as it abuts that property, will create a discontinuous street section. In addition, the associated proposed plat will create two lots, each of which contain an existing residence. Therefore, the proposal will not result in an increase in residential density. In the past, the Planning Commission and the City Council have granted similar requests when the improvement would create a discontinuous street section, when the existing street is currently paved, and when the associated plat does not result in an increase in density.

Curb and gutter have not been constructed along this section of Sheridan Lake Road. However, the applicant has not submitted drainage information to confirm that the existing barrow ditches can accommodate drainage along the street. As such, staff recommends that this item be continued to allow the applicant to submit drainage information for Sheridan Lake Road demonstrating that the existing ditches can accommodate drainage along the street.

East-West Section Line Highway: Undeveloped section line highway abuts the north lot lines of both proposed lots. The applicant is requesting a Subdivision Variance to waive the requirement to construct the abutting section line highway, which would include dedicating right-of-way, installing pavement, curb, gutter, sidewalk, street light conduit, water and sewer. Staff has noted that this portion of section line highway services National Forest Property. South Dakota Codified Law 31-18-3 does not allow the vacation of section line highway adjacent to public lands. Currently, there are no improvements in the section line highway to the east or the west of the property. As such, due to the discontinuity that would be created by requiring the above stated improvements to the section line highway, and the fact that State Statute does not allow the vacation of section line highway providing access to Federal land, staff recommends that the request to waive the required improvements to the abutting section line highway be approved with the stipulation that the applicant sign a waiver of right to protest any future assessment for the improvements.

Legal Notification Requirement: As of this writing, the receipts from the certified mailings have

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not been returned. Staff will notify the Planning Commission if this requirement has not been met. To date, staff has not received any inquires regarding the request.